

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

CARPENTERS' DISTRICT COUNCIL OF)	
GREATER ST. LOUIS AND VICINITY and)	
TERRY M. NELSON, RENEE BELL, BRIAN)	
PALUCH, JOHN W. FISCHER, MICHAEL)	
T. THUSTON, DONALD J. BRUSSEL, JR.,)	
SCOTT BYRNE, KEN STRICKER, KIRK)	
VERSEMAN, ALBERT BOND, ROBERT)	
CALHOUN, RON DICUS, KEVIN BYRNE,)	No. 4:12-CV-486 CAS
and EARL POE, III, in their representative)	
capacities as trustees of the CARPENTERS')	
PENSION TRUST FUND OF ST. LOUIS,)	
and TERRY M. NELSON, RENEE BELL,)	
BRIAN PALUCH, JOHN W. FISCHER,)	
MICHAEL T. THUSTON, DONALD J.)	
BRUSSEL, JR., SCOTT BYRNE, KEN)	
STRICKER, KIRK VERSEMAN, ALBERT)	
BOND, ROBERT CALHOUN, RON DICUS,)	
KEVIN BYRNE, and EARL POE, III in their)	
representative capacities as trustees of the)	
CARPENTERS' HEALTH AND WELFARE)	
TRUST FUND OF ST. LOUIS, and TERRY)	
M. NELSON, RENEE BELL, BRIAN)	
PALUCH, JOHN W. FISCHER, MICHAEL T.)	
THUSTON, DONALD J. BRUSSEL, JR.,)	
SCOTT BYRNE, KEN STRICKER, KIRK)	
VERSEMAN, ALBERT BOND, ROBERT)	
CALHOUN, RON DICUS, KEVIN BYRNE,)	
and EARL POE, III in their representative)	
capacities as trustees of the CARPENTERS')	
VACATION TRUST FUND OF ST. LOUIS)	
and RENEE BELL, ROBERT BEHLMAN,)	
KEVIN DEPTULA, KEITH TAYLOR,)	
MICHAEL T. THUSTON, MIKE GRIGAITIS,)	
RON DICUS, ROBERT WOLF, TERRY M.)	
NELSON, BOB FRITZ and ALBERT BOND)	
in their representative capacities as trustees of)	
the CARPENTERS' JOINT TRAINING)	
FUND OF ST. LOUIS,)	
)	
Plaintiffs,)	
)	

v.)
)
WHITEHEAD CONCRETE & MASONRY,)
INC. an Illinois corporation,)
)
Defendant.)

DEFAULT JUDGMENT

Plaintiffs filed this action on March 15, 2012 to recover from defendant Whitehead Concrete & Masonry, Inc. fringe benefit contributions, liquidated damages, interest, attorneys' fees and costs owed to the plaintiffs pursuant to the Employee Retirement Income Security Act, 29 U.S.C. § 1332(g)(2) ("ERISA") and pursuant to the Labor Management Relations Act, 29 U.S.C. § 185 ("LMRA").

On March 20, 2012, defendant was served with the summons and complaint. Defendant has not appeared, and on June 26, 2012, the Clerk of Court entered default against defendant. Plaintiffs move for default judgment, submitting in support of their motion the affidavits of Juli Laramie and Greg A. Campbell.

Defendant has been party to a collective bargaining agreement with the Carpenters' District Council of Greater St. Louis and Vicinity which requires the payment of fringe benefit contributions through the purchase of fringe benefit stamps. The collective bargaining agreement also requires payment of 20% liquidated damages on delinquent contributions, plus 10% annual interest. The agreement also requires delinquent employers to pay plaintiffs' attorneys' fees and court costs. See Laramie Aff. at ¶¶ 4-6.

Based on plaintiffs' complaint and the affidavit of Juli Laramie, defendant owes \$4,501.77 in fringe benefit contributions. Additionally, defendant owes \$900.36 in liquidated damages on these delinquent contributions and \$301.82 in interest. See Laramie Aff. at ¶ 7.

The collective bargaining agreement and ERISA, 29 U.S.C. § 1132(g)(2), also requires defendant to pay plaintiffs' attorneys' fees and costs. Plaintiffs incurred \$635.50 in attorneys' fees and \$440.00 in costs. See Campbell Aff. at ¶¶ 3-4. Based on the evidence presented, the Court finds that the services performed by plaintiffs' attorneys were reasonable and necessary to the litigation of this case, that the rates charged were reasonable, and that the amount sought for attorneys' fees is reasonable.

The total amount owed for fringe benefit contributions, liquidated damages, interest, attorneys' fees and costs by defendant to plaintiffs is \$6,779.45.

Accordingly,

IT IS HEREBY ORDERED that plaintiffs' motion for default judgment is granted. [Doc. 8]

IT IS FURTHER ORDERED that judgment by default is entered in favor of plaintiffs and against defendant Whitehead Concrete & Masonry, Inc. in the amount of Six Thousand Seven Hundred Seventy-Nine Dollars and Forty-Five Cents (\$6,779.45).



CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 12th day of July, 2012.